

1 MAYER, BROWN, ROWE & MAW LLP
2 EDWARD D. JOHNSON (SBN 189475)
3 Two Palo Alto Square, Suite 300
4 3000 El Camino Real
5 Palo Alto, CA 94306
6 Telephone: (650) 331-2000
7 Facsimile: (650) 331-4537
8 wjohnson@mayerbrownrowe.com

9 MAYER, BROWN, ROWE & MAW LLP
10 RICHARD J. FAVRETTO
11 1909 K Street, N.W.
12 Washington, D.C. 20006
13 Telephone: (202) 263-3000
14 Facsimile: (202) 263-3300
15 rfavretto@mayerbrownrowe.com

16 Attorneys for Defendants
17 UNITED AIR LINES, INC.

18 Additional Counsel Appear on Signature Page

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 BRIAN BANK,
16 on behalf of himself and all others
17 similarly situated,

18 Plaintiff,

19 v.

20 BRITISH AIRWAYS PLC, VIRGIN
21 ATLANTIC AIRWAYS LIMITED, and
22 UNITED AIR LINES, INC.,

23 Defendants.

CASE NO. CV 06-03985-EMC

**STIPULATION PURSUANT TO
LOCAL RULE 6-1 TO EXTEND
TIME TO RESPOND TO
COMPLAINT ; ORDER**

24 Pursuant to Local Rule 6-1, in light of the transfer motion now pending
25 before the Judicial Panel on Multidistrict Litigation (“JPML”) captioned *In re*
26 *International Air Transportation Surcharge Antitrust Litigation*, MDL Docket No.
27 1793, Plaintiff Brian Bank (“Plaintiff”) and Defendants British Airways Plc,
28

1 Virgin Atlantic Airways Limited, and United Air Lines, Inc. (collectively, the
2 “Defendants”), through their respective counsel, hereby stipulate and agree as
3 follows:
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5 IT IS HEREBY STIPULATED AND AGREED that Defendants’ time to
6 answer, move or otherwise plead is enlarged until the later of (1) the date when the
7 Defendants would otherwise be required to file a response pursuant to Federal Rule
8 of Civil Procedure 12, or (2) 45 days after the JPML rules on the pending motion
9 and consolidates each related action in a single court, and a consolidated complaint
10 is filed by all plaintiffs in the single transferee Court and served on Defendants.

11 IT IS FURTHER STIPULATED AND AGREED that each defense counsel
12 designated below shall accept service on behalf of the Defendant represented by
13 each such counsel of all complaints in the above-captioned matter, including any
14 amended or consolidated complaints, and further, that such Defendant shall not
15 contest sufficiency of process or service of process. This Stipulation does not
16 constitute a waiver of any other defense including, but not limited to, the defenses
17 of lack of personal or subject matter jurisdiction or improper venue. Nothing in
18 this paragraph shall obligate any Defendant to answer, move or otherwise respond
19 to any complaint until the time provided in the preceding paragraph. The above
20 notwithstanding, should any Defendant, except pursuant to court order, respond to
21 any complaint in a related matter filed in another United States District Court prior
22 to the date contemplated by this stipulation, then such Defendant shall make a
23 simultaneous response to the complaint in the above-captioned matter.

24 Respectfully submitted,
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1 Dated: July 24, 2006

GROSS & BELSKY LLP

2
3 /s/

4 Adam C. Belsky (SBN 147800)
5 Monique Alonso
6 Terry Gross
7 GROSS & BELSKY LLP
8 180 Montgomery Street
9 Suite 2200
10 San Francisco, CA 94104
11 T: (415) 554-0200
12 F: (415) 544-0201

Attorneys for Plaintiff Brian Bank

9 Dated: July 24, 2006

MAYER, BROWN, ROWE & MAW LLP

10
11 /s/

12 Edward D. Johnson (SBN 189475)
13 MAYER, BROWN, ROWE & MAW LLP
14 Two Palo Alto Square, Suite 300
15 3000 El Camino Real
16 Palo Alto, CA 94306
17 T: (650) 331-2000
18 F: (650) 331-4537

15 Richard J. Favretto
16 MAYER, BROWN, ROWE & MAW LLP
17 1909 K Street, NW
18 Washington, DC 20006

Attorneys for Defendant United Air Lines, Inc.

19 Dated: July 24, 2006

SULLIVAN & CROMWELL LLP

20
21 /s/

22 Brendan P. Cullen (SBN 194057)
23 SULLIVAN & CROMWELL LLP
24 1870 Embarcadero Road
25 Palo Alto, CA 94303
26 T: (650) 461-5600
27 F: (650) 461-5700

24 Daryl A. Libow
25 SULLIVAN & CROMWELL LLP
26 1701 Pennsylvania Avenue, NW
27 Washington, DC 20006

Attorneys for Defendant British Airways Plc

Dated: July 24, 2006

SIMPSON THACHER & BARTLETT LLP

/s/

Harrison J. Frahn (SBN 206822)
SIMPSON THACHER & BARTLETT LLP
2550 Hanover Street
Palo Alto, CA 94304
T: (650) 251-5000
F: (650) 251-5002

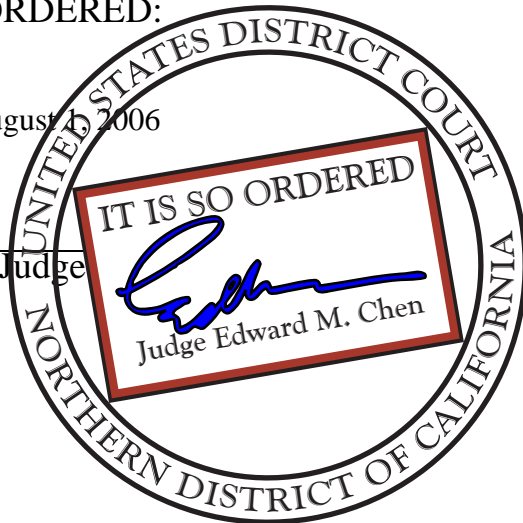
Charles E. Koob (SBN 47349)
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017

*Attorneys for Defendant Virgin Atlantic
Airways Limited.*

PURSUANT TO STIPULATION,
IT IS SO ORDERED:

Date: August 4, 2006

Honorable Judge



PROOF OF SERVICE

I am employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Two Palo Alto Square, Suite 300, Palo Alto, California 94306-2112.

On July 24, 2006, I served the foregoing document(s) described as **U.S.**

STIPULATION PURSUANT TO LOCAL RULE 6-1 TO EXTEND TIME TO RESPOND TO COMPLAINT

on each interested party, as follows:

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed facsimile & U.S. Mail envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a facsimile & U.S. Mail agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Adam C. Belsky
Monique Alonso
Terry Gross
GROSS & BELSKY LLP
180 Montgomery Street
Suite 2200
San Francisco, CA 94104

Brendan P. Cullen
SULLIVAN & CROMWELL LLP
1870 Embarcadero Road
Palo Alto, California 94303

Harrison J. Frahn
SIMPSON THACHER &
BARTLETT LLP
2550 Hanover Street
Palo Alto, California 94304

Daryl A. Libow
SULLIVAN & CROMWELL LLP
1701 Pennsylvania Avenue, NW
Washington, DC 20006

1 Charles E. Koob
2 Simpson Thacher & Bartlett LLP
3 425 Lexington Avenue
4 New York, NY 10017

5 I declare under penalty of perjury under the laws of the United States of
6 America that the above is true and correct.

7 Executed on July 24, 2006, at Palo Alto, California.

8 /s/ _____
9 Shana M. Ryan
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